

Appl. No. 09/706,294

Prel. Amdt. dated April 9, 2003

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### Remarks

Claims 1-31 are pending in the instant application. In the Final Office Action mailed January 14, 2003, the Examiner rejects claims 1-12, 14-21 and 23-30 and objects to claims 13, 22 and 31. By virtue of the amendments made above, claims 1, 2, 4-7, 10, 11, 13-16, 19, 20, 22-25, 28, 29 and 31 are amended; claims 3, 8, 9, 12, 17, 18, 21, 26, 27 and 30 are canceled. The amendments to the claims are supported by page 16, lines 12-18 and other portions of the Specification as filed. Based on the amendments and remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

#### **1. Rejection of Claims 1-8, 10-12, 14-17 and 19-21 under 35 U.S.C. § 102(b) and**

##### **Rejection of Claims 23-26 and 28-30 under 35 U.S.C. §103(a)**

In the Final Office Action mailed January 14, 2003, the Examiner maintains her rejection of claims 1-8, 10-12, 14-17 and 19-21 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,624,429 issued to Long et al. (hereinafter "the Long patent"). The Examiner also maintains her rejection of claims 23-26 and 28-30 under 35 U.S.C. §103(a) as being unpatentable over the Long patent. These rejections are respectfully traversed. Additionally, the Examiner maintains her rejection of claims 9, 18 and 27 under 35 U.S.C. §103(a) as being unpatentable over the Long patent, but these claims have been canceled by virtue of the amendments submitted above.

The Examiner renews the grounds for rejection that she made in the Office Action mailed July 5, 2002. The Examiner also responds to the arguments made in Applicants' response filed October 29, 2002. Looking at Figs. 3 and 5 of the Long patent, the Examiner believes that the structure indicated by reference numeral "90" corresponds to a first panel having a first side margin that is permanently attached to the side edge in the back waist region and that the structure indicated by reference numeral "56" corresponds to a second side margin that is releasably attached to the front waist region. The Examiner also believes that the structure indicated by reference numeral "50" corresponds to a releasable joint.

Independent claims 1, 14 and 23 have been amended to indicate that the articles of the present invention include a releasable joint that is provided by a fastener and one or more releasable bonds (see page 16, lines 12-18 of the Specification as filed). The Long patent does not disclose articles that have a releasable joint provided by a fastener and one or more releasable bonds. More specifically, the structure believed by the Examiner to correspond to a releasable joint (indicated by reference numeral "50") does not include the structures believed by the Examiner to correspond to a fastener

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(indicated by reference numeral "60" in Fig. 3 and indicated by reference numeral "100" in Fig. 100).  
For at least these reasons, the Long patent does not disclose or suggest each and every aspect of the claimed invention.

In view of the above remarks, reexamination, reconsideration and withdrawal of the rejections of claims 1, 2, 4-7, 10, 11, 13-16, 19, 20, 22-25, 28, 29 and 31 under 35 U.S.C. §102 and §103 are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in form for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2433.

Respectfully submitted,

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I, Cynthia M. Trudell, hereby certify that on April 9, 2003, this document is being transmitted via facsimile to: Assistant Commissioner for Patents, Right Fax No. 703-872-9303.

By: Cynthia M. Trudell

Cynthia M. Trudell